

Defense have had long careers in military service.

The basic responsibilities of civilian and military leaders are simple enough—for civilian leaders: to seek the best professional military advice while under no obligation to follow it; for military leaders: to provide candid counsel while recognizing civilians have the final say or, as General Mattis once observed, to insist on being heard and never insist on being obeyed. But the fact is that the relationship between civilian and military leaders is inherently and endlessly complex. It is a relationship of unequals who nonetheless share responsibility for the defense of the Nation. The stakes could not be higher. The gaps in mutual understanding are sometimes wide. Personalities often clash. And the unique features of the profession of arms and the peculiarities of service cultures often prove daunting for civilians who have never served in uniform.

Ultimately, the key to healthy civil-military relations and civilian control of the military is the oath that soldiers and statesmen share in common “to protect and defend the Constitution.” It is about the trust they have in one another to perform their respective duties in accordance with our republican system of government. It is about the candid exchange of views engendered by that trust and which is vital to effective decisionmaking. And it is about mutual respect and understanding. The proper balance of civil-military relations is difficult to achieve, and, as history has taught us, achieving that balance requires different leaders at different times.

I believe that in the dangerous times in which we live, General Mattis is the leader our Nation needs as Secretary of Defense. That is why, although I believe we must maintain safeguards of civilian leadership at the Department of Defense, I will support this legislation today and General Mattis’ nomination to serve this Nation again as Secretary of Defense.

I want to assure my friend from Rhode Island, the ranking member of the Armed Services Committee, who has very serious concerns—I want to assure him that this is a one-time deal. I know the Senator from Rhode Island had deep concerns about this whole process we have been through. Yet I think he has put the interests of the Nation and placed his confidence in General Mattis as being so exceptional that the law that was passed back in 1947—there can be made one single exception to it.

The PRESIDING OFFICER. The majority’s time has expired.

The majority leader.

UNANIMOUS CONSENT REQUEST—H.R. 72

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 4:15 p.m. on Tuesday, January 17, the Committee on Homeland Security and Governmental Affairs be discharged and the Senate proceed to the consideration of H.R. 72; further, that there be

30 minutes of debate equally divided in the usual form, and that upon the use or yielding back of time, the bill be read a third time and the Senate vote on passage of H.R. 72 with no intervening action or debate; finally, that if passed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MERKLEY. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I agreed—

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Has time expired according to the previous UC?

Mr. MERKLEY. Mr. President, I believe I have the floor.

Mr. MCCONNELL. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. MCCONNELL. Just to let everybody know, all I am doing is setting up a vote for Tuesday afternoon at 4:15. That is what I was asking consent on.

The PRESIDING OFFICER. Is there objection?

Mr. MERKLEY. I reserve the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. MERKLEY. I reserve the right to object.

Mr. President, I was very gracious in agreeing to a unanimous consent request that would grant me 10 minutes. That was cut short by the filibuster of my colleague, who repeatedly brought me into the conversation and refused to yield for my question. So I ask unanimous to have 2 minutes to close.

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the majority leader’s request?

Mr. MERKLEY. I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

REQUEST FOR COMMITTEES TO MEET

Mr. MCCONNELL. Mr. President, I have four requests for committees to meet during today’s session of the Senate. They have the approval of the majority and minority leaders.

Mr. MERKLEY. I object.

The PRESIDING OFFICER. Duly noted.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Kansas (Mr. MORAN).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted “yea.”

The PRESIDING OFFICER (Mr. CASSIDY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 17, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—81

Barrasso	Flake	Nelson
Bennet	Franken	Paul
Blunt	Gardner	Perdue
Boozman	Graham	Peters
Brown	Grassley	Portman
Burr	Harris	Reed
Cantwell	Hassan	Risch
Capito	Hatch	Roberts
Cardin	Heinrich	Rounds
Carper	Heitkamp	Rubio
Casey	Heller	Sasse
Cassidy	Hirono	Schatz
Cochran	Hoeben	Schumer
Collins	Inhofe	Scott
Coons	Isakson	Sessions
Corker	Johnson	Shaheen
Cornyn	Kaine	Shelby
Cortez	Kennedy	Stabenow
Masto	King	Sullivan
Cotton	Klobuchar	Thune
Crapo	Lankford	Tillis
Cruz	Lee	Toomey
Daines	Manchin	Warner
Donnelly	McCain	Whitehouse
Enzi	McCaskill	Wicker
Ernst	McConnell	Young
Feinstein	Menendez	
Fischer	Murkowski	

NAYS—17

Baldwin	Leahy	Tester
Blumenthal	Markey	Udall
Booker	Merkley	Van Hollen
Duckworth	Murphy	Warren
Durbin	Murray	Wyden
Gillibrand	Sanders	

NOT VOTING—2

Alexander Moran

The bill (S. 84) was passed, as follows:
S. 84

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCEPTION TO LIMITATION AGAINST APPOINTMENT OF PERSONS AS SECRETARY OF DEFENSE WITHIN SEVEN YEARS OF RELIEF FROM ACTIVE DUTY AS REGULAR COMMISSIONED OFFICERS OF THE ARMED FORCES.

(a) IN GENERAL.—Notwithstanding the second sentence of section 113(a) of title 10, United States Code, the first person appointed, by and with the advice and consent of the Senate, as Secretary of Defense after the date of the enactment of this Act may be a person who is, on the date of appointment, within seven years after relief, but not within three years after relief, from active duty as a commissioned officer of a regular component of the Armed Forces.

(b) LIMITED EXCEPTION.—This section applies only to the first person appointed as Secretary of Defense as described in subsection (a) after the date of the enactment of this Act, and to no other person.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands

in recess subject to the call of the Chair.

Thereupon, the Senate, at 3:13 p.m., recessed subject to the call of the Chair and reassembled at 4:17 p.m. when called to order by the Presiding Officer (Mr. CASSIDY).

The PRESIDING OFFICER. The Senator from Ohio.

INVESTIGATION ON INTERNET SEX TRAFFICKERS

Mr. PORTMAN. Mr. President, I rise today during Human Trafficking Awareness Week to talk about the scourge of human trafficking, and, specifically, about an investigation that the Senate has just concluded that matters to every single State represented in this Chamber and to every American.

We are told now that human trafficking, including sex trafficking, is a \$150 billion a year industry. That makes it the second largest criminal enterprise in the world, behind the drug trade. Unfortunately, it is happening in all of our States, including my home State of Ohio. It is growing as a problem.

A couple of weeks ago, two people were arrested in my home town of Cincinnati in connection with sex trafficking. Police charged a woman with luring an underage girl to commit a sex act with a 56-year-old man.

That was just 2 weeks after police in Blue Ash, OH, just up the road, broke up what they said was a sex trafficking ring at a hotel. Police said that two men and two women rented two rooms at a hotel, paying cash, and forced four different women to perform sex acts. The women were given crack cocaine and heroin, presumably to keep them dependent on their traffickers.

This is what I am hearing back home a lot when I talk to victims of sex trafficking. Typically, drugs are involved. In Ohio, it is usually heroin. These cases are alarming, and, unfortunately, we have reasons to believe that the problem is getting worse not better. The National Center for Missing and Exploited Children, really, the expert on this issue, particularly of kids who get involved in sex trafficking, reports an 846-percent increase in reports of suspected child sex trafficking from 2010 to 2015. That is an over 800-percent increase just in those 5 years.

The organization found this spike to be “directly correlated to the increased use of the Internet to sell children for sex.” So it is kind of the dark side of the Internet, isn’t it. What I am told sometimes by survivors of trafficking is that they say: Rob, this has moved from the street corner to the cell phone. There is widespread evidence that sex trafficking is increasingly doing that all over our country.

In order to confront this problem, as chairman of the Permanent Subcommittee on Investigations, along with my colleague and ranking member Senator CLAIRE MCCASKILL, I

opened a bipartisan investigation into sex traffickers and their use of the Internet. This investigation began about 2 years ago. The National Center for Missing & Exploited Children says that nearly three-quarters—73 percent—of all suspected child sex trafficking reports it receives from the general public through its cyber tip line are linked to one Web site—a single Web site. That Web site is called Backpage.com.

According to a leading anti-trafficking organization called Shared Hope International, “[s]ervice providers working with child sex trafficking victims have reported that between 80 and 100 percent of their clients have been bought and sold on Backpage.com.” Eighty to 100 percent of their clients have been bought and sold on Backpage.com.

Again, that is consistent with everything I have heard when I have been back home and spoken to and met with sex trafficking survivors. Backpage now operates in 97 countries, 934 cities worldwide. It is valued at well over half a billion dollars. According to an industry analysis, in 2013, 8 out of every 10 dollars spent on online commercial sex trafficking in the United States went to this one Web site, Backpage.

Others, by the way, have chosen not to engage in this. There have been a number of cases around the country, including in Ohio, where Backpage.com was used by traffickers to sell underage girls for sex.

Last spring, in my own State of Ohio, a man, who by the way has nine children of his own, was sentenced to 12 years in Federal prison for trafficking four underage girls who had run away from home in Akron and Canton, OH. He kept them locked in a hotel, supplied them with drugs like marijuana, heroin, and ecstasy, and sold them for sex on Backpage.com. When he was arrested, by the way, he was found with more than 8,000 bags of heroin.

Just this week, or a week later after that, a man from Fort Wayne, IN, was charged with human trafficking and child prostitution after he was arrested on his way to Ohio. His intention, police say, was to traffic a 14-year-old girl whom he had met on Facebook, raped, and whom he planned to sell on Backpage.com.

Backpage says it leads the industry in its screening of advertisements for illegal activity. In fact, Backpage’s top lawyer has described their screening process as the key tool for disrupting and eventually ending human trafficking via the World Wide Web.

But despite these boasts, this Web site and its owners consistently have refused to cooperate with our investigation, with other investigations relating to lawsuits around the country. With regard to our situation, we subpoenaed them for the documents, and they still refused to provide the documents or to testify. As a result, as my colleagues will remember, this body, the Senate, for the first time in over 20

years, voted unanimously to pass a civil contempt citation to require them to supply the documents, to come forward with this information.

In August a Federal court order rejected Backpage’s objection to that subpoena and compelled the company to turn over the subpoenaed documents to the subcommittee. Backpage appealed that and asked for a delay in that order. They took it all the way up to the Supreme Court of the United States. But their request was rejected. Since then, the subcommittee has been able to review the documents that have been submitted—over 1 million documents—including emails and other internal documents.

What we found was very troubling, to say the least. After reviewing the documents, the subcommittee published a staff report on Monday of this week that conclusively shows that Backpage has been more deeply complicit in online underage sex trafficking than anyone imagined. We reached three principle findings: first, that Backpage has knowingly covered up evidence of criminal activity by systematically editing its so-called adult ads; second, that Backpage knows that it facilitates prostitution and even child sex trafficking; and third, that despite the reported sale of Backpage to an undisclosed foreign company in 2014, taking them outside of the United States, the true owners of the company are the founders—James Larkin, Michael Lacey, and Carl Ferrer, their chief executive officer.

First, on the editing of ads, our report shows that Backpage has knowingly covered up evidence of crimes by systematically deleting words and images suggestive of illegal conduct, including of child sex trafficking. That editing process sanitized the content of millions of advertisements in order to hide important evidence from law enforcement.

In 2006, Backpage executives instructed staff to edit the text of adult ads, not to take them down but to edit them, which is exactly how they facilitated this type of trafficking, including child sex trafficking. By October 2010, Backpage executives had a formal process in place of both manual and automated deletion of incriminating words and phrases in ads.

Backpage CEO Carl Ferrer personally directed his employees to create an electronic filter to delete hundreds of words indicative of sex trafficking or prostitution from ads before they were published.

Again, this filter did not reject the ads because of the obvious illegal activity. They only edited the ads to try to cover it up. The filter did not change what was advertised, only the way it was advertised. So Backpage did nothing to try to stop this criminal activity. They facilitated it knowingly.

Why did they do that? Backpage executives were afraid they would erode their profits. It is a very profitable business. In Ferrer’s words, they were